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September 7, 2021

VIA ECF and email

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States of America v. Gazmend Lita**
Criminal Case No. 20-660(ALC)

Dear Judge Carter:

I represent Gazmend Lita in the above-referenced multi-defendant criminal case. Mr. Lita is scheduled to plead guilty before Your Honor via telephone at 10:00 a.m. tomorrow.

Please accept this letter as confirmation that Mr. Lita wishes to proceed remotely via telephone with tomorrow's change of plea proceeding pursuant to Fed. R. Crim. P. R 11. Therefore, I respectfully request that Your Honor make a finding that "the plea in this case cannot be further delayed without serious harm to the interests of justice." The Government has no objection to this application.

Mr. Lita has had an opportunity to review the voluminous discovery in this case with his counsel and he desires to resolve his case through the entry of his guilty plea without any further delay. Based on the recent surge in Covid-19 cases in the New York/New Jersey metropolitan area related in part to the Delta variant, Mr. Lita believes it is in the best interest of the health and safety of everyone involved in the process that he be allowed to proceed with his guilty plea remotely via telephone or videoconference. Therefore, to avoid a prejudicial delay in these proceedings during this deadly pandemic, I respectfully request that Your Honor find both conditions of the CARES Act have been met, namely: 1) that the entry of Mr. Lita's felony plea under Rule 11 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety and 2) that in this particular case, Your Honor finds the case cannot be further delayed without serious harm to the interests of justice and the plea may be conducted by video conference or by telephone conference.

I have communicated with AUSA David Felton and Mr. Felton has advised me the Government has no objection to Mr. Lita's request to proceed remotely via telephone with his guilty plea.

Honorable Andrew L. Carter, Jr., U.S.D.J.

United States District Court

Re: United States of America v. Gazmend Lita
Criminal Case No. 20-660(ALC)

March 23, 2021

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Thank You for Your consideration.

Respectfully submitted,

WHIPPLE AZZARELLO, LLC

By: s/John A. Azzarello
John. A. Azzarello

cc: David Fenton, A.U.S.A. (Via Email)
Samuel Raymond, A.U.S.A. (Via Email)

SO ORDERED

HONORABLE ANDREW L. CARTER
United States District Judge